## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:17-CV-98-FL

WAI MAN TOM on behalf of himself and	)	
all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
V.	)	ORDER
	)	
HOSPITALITY VENTURES LLC doing	)	
business as Umstead Hotel and Spa, SAS	)	
INSTITUTE INC., and NC CULINARY	)	
VENTURES LLC doing business as An	)	
Asian Cuisine,	)	
	)	
Defendants.	)	

This matter is before the court on its own initiative, regarding telephonic motion hearing currently set for April 17, 2018, on motion for protective order and corrective mailing. (DE 85). Where the parties present divergent evidence regarding the facts underlying the instant motion, and where plaintiff has sought confirmation from the clerk regarding participation by a witness, Justin Dillon, the court finds that an in-person hearing is necessary in the interest of justice to resolve the instant motion. Accordingly, the court CANCELS telephonic motion hearing currently set for April 17, 2018, and NOTICES the matter for hearing on the instant motion in New Bern, North Carolina, on Tuesday, April 24, 2018, at 9:00 a.m.

At hearing, the parties may offer testimony or other evidence bearing on the nature of communications between defendants and putative class members in this case, for consideration by the court in resolution of the instant motion. Such evidence must be limited to issues pertinent to

the instant motion, for example issues such as whether the communications could be said to "misrepresent the status or effect of the pending action," or "have an obvious potential for confusion," <u>Gulf Oil Co. v. Bernard</u>, 452 U.S. 89, 100 n. 12 (1981) (quotations omitted), or otherwise be characterized as "false, misleading, or intimidating" or an "attempt to influence the decision about whether to request exclusion from a class." Manual for Complex Litigation (Fourth) § 21.12.

SO ORDERED, this the 12th day of April, 2018.

United States District Judge